

MT COMMON CAUSE

STATE ADMINISTRATION

Exhibit No. 4

Date 2/11/09

Bill No. 50394

Common Cause works to strengthen public participation and faith in our institutions of self-government; to ensure that government and political processes serve the general interest, rather than special interests; to curb the excessive influence of money on government decisions and elections; to promote fair elections and high ethical standards for government officials; and to protect the civil rights and civil liberties of all Americans.

To the Senate State Administration Committee

February 11, 2009

Re: SB 394 Expand Vote by Mail

Position: Oppose

Abolishing polling places on Election Day is a big deal. It's not necessarily a bad deal but it is a large scale system change and it does represent the dismantling of an institution. Clerks and counties believe that vote by mail will be better for them and that's fine as long as it's better, or at the very least, neutral, for voters. In order to assure that voters fare well, we believe the shift to vote by mail and the abolishing of polling places would need to be undertaken with care and with parameters and prudence, which are not the conditions laid out in this legislation as there are no conditions. Findings of disenfranchisement or reduced turn out in mail ballot elections in other states, such as California and Colorado, were tied to poor implementation.

There was a VBM pilot project proposed in the House which had parameters in terms of the size of the VBM experiment. But this legislation only addressed the interests of election administrators and counties and left the interests of voters on the curb despite two years of discussion among parties in an interim committee. The main difference between that legislation and this legislation is that in this bill the problems in the House bill have even more opportunities to sprout undetected and unaddressed.

So, the problem with this bill isn't necessarily with the concept of VBM. There's an argument that vote by mail is better for Democrats and there's an argument that it's better for Republicans. Vote by mail does not bring new voters into the fold, but it does seem to retain higher participation rates during non-presidential elections, local elections, or nonpartisan elections. The Clerks and Records believe it will make their jobs easier and perhaps it will. But they have also voiced considerable concerns about all the changes they've had to accommodate in the past several years and this would be another change. Counties recognize that vote by mail would be less expensive than maintaining polling places. Cost reductions would be straightforward. Vote by mail can reduce the impact of last minute negative campaigning but also the value of any late-breaking information. There are fraud issues to be mindful of with vote by mail just as there are in our current system. But they're different and require different steps to deter, detect, and correct.

When considering VBM, aside from the general pros and cons and in addition to the critical issue of implementation, Montana needs to take into account its unique situation when it comes to our reservations and Native American population. The Native American

caucus has taken a firm stand in opposition and MT Common Cause must stand with them in defending the right of every Montanan to have his or her vote counted.

We support elections working for administrators and counties, but not at the expense of voters. We also believe that their faith that VBM is good for voters is authentic. But sentiment and hope, even grounded in another state's experience or a local experience, isn't the same as the analysis or protocols that will allow us to build the best VBM system in the country if that is the legislature's wish. With a large scale shift to VBM, there will be glitches. But "glitches" in this case, means the disenfranchisement of voters. That's a serious glitch once. We have to have the structure in place to catch it to make sure there's absolutely no chance such a so-called glitch happens twice and brings the integrity of our elections into question.

For Common Cause, the voter has to come first and we need to build the system backward from there to assure we're building a system for the sake of the goal and not for the sake of the system. National Common Cause believes vote by mail can work in some places when undertaken prudently. But if it is the goal of this legislature to abolish polling place voting, we think SB 394 fails to provide the structure to undertake this in a way that demonstrates that the rights of voters come first in Montana when designing elections that serve them.

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Recommended Vote by Mail Practices

- 1) Election officials should provide candidates, parties, and interest groups with free lists of registered voters and update them at least twice a week as ballots are returned so that candidates, parties and voters can see whose votes have been received.
- 2) Voters who do not wish to vote by mail should be able to cast ballots in private booths at vote centers staffed with trained election workers in the days leading up to and on Election Day.
- 3) Vote by mail programs should adopt the practice of requiring voters to sign ballot envelopes and comparing those signatures to the signatures on the voters' registration files. Election workers must also use statewide databases to ensure that only one ballot is cast per voter.
- 4) VBM should not be viewed as a solution to the deeper problem of complete non-participation by much of the eligible electorate. Other measures must be taken to address the lack of civic involvement that reduces the quality of our collective decision-making.
- 5) In states that currently have permanent absentee voter programs, moving to elections where every registered voter is mailed a ballot should reduce the demographic disparities in voter turnout because the benefits of added convenience apply to all voters rather than those who self-select to participate in the program.
- 6) In VBM elections, ballots must be sent to all registered voters, including inactive voters.
- 7) Vote by mail elections should be heavily publicized via mailings, newspaper ads, and radio public service announcements at the time ballots are mailed out and in the final days before an election.
- 8) Steps should be taken to deter, detect, and correct coercion and vote-buying while casting a Vote By Mail ballot.
- 9) Election officials should contact voters by phone, postcard, or e-mail if their ballot is deemed uncountable due to lack of a signature match and give the voter the opportunity to correct it.
- 10) Election officials should work closely with the U.S. Postal Service to ensure timely and accurate delivery of ballots.
- 11) Jurisdictions using Vote By Mail must also maintain in-person polling alternatives to allow disabled and language assisted voting on accessible equipment.
- 12) Election officials should allow citizens to use election headquarters as their voter registration address and then allow these citizens to pick up ballots at election headquarters during the entire VBM election period.